
**Agriculture & Natural Resources
Committee**

E2SSB 6117

Brief Description: Regarding reclaimed water.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Poulsen, Rockefeller, Marr, Kohl-Welles and Kline).

Brief Summary of Engrossed Second Substitute Bill

- Requires the state to expand both direct financial support and financial incentives for capital investments in water reuse and reclaimed water.
- Creates one taskforce and two sub taskforces to evaluate and make recommendations on various issues relating to the use of reclaimed water.
- Concludes that a reclaimed water project that reduces the quantity of sewage effluent that is discharged directly into marine waters does not impair any existing water rights.
- Requires state agencies and state facilities to use reclaimed water for nonpotable water uses, where feasible.
- Allows a city, town, or county to require the use of conservation measures or reclaimed water uses in determining whether a short plat, short subdivision, or subdivision meets the requirements for potable water supplies.
- Requires the Department of General Administration to develop a proposal for a comprehensive, campus-wide plan for the use of nonpotable water for irrigation and related outdoor uses.
- Requires reports from the Department of Health and the Department of Ecology on several issues relating to reclaimed water use.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Hearing Date: 3/22/07

Staff: Jaclyn Ford (786-7339).

Background:

Reclaimed water is an effluent derived from a wastewater treatment system that has been treated in order to be suitable for a beneficial use or a controlled use that otherwise would not occur. Reclaimed water has been used for a variety of nonpotable water purposes including irrigation, agricultural uses, industrial and commercial uses, stream flow augmentation, dust control, fire suppression, surface percolation, and discharge into constructed wetlands.

The Department of Health (DOH) issues permits to water generators for commercial or industrial uses of reclaimed water and the Department of Ecology (DOE) issues reclaimed water permits for land applications of reclaimed water. The DOH and the DOE were required to adopt a single set of standards, procedures, and guidelines for industrial and commercial uses and land applications of reclaimed water.

Last year, the Legislature passed a bill requiring the DOE to adopt rules for reclaimed water use. These rules must be adopted in coordination with the DOH, and in consultation with the Rule Advisory Committee (RAC). The rules must address all aspects of reclaimed water use, including industrial uses, surface percolation, and stream flow augmentation. Two interim progress reports must be delivered to the Legislature prior to the final adoption in 2010.

Upon final adoption, the roles played by the DOH in the management and regulation of reclaimed water will be conditional on the outcome of the rules adopted by the DOE. The DOH's new roles will be defined by the adopted rules.

Summary of Bill:

Intent:

The Legislature affirms that the use of reclaimed water will help mitigate the effects of global warming and climate change, help improve Puget Sound's water quality, help increase instream flows, and achieve both water quality and water supply objectives.

Reclaimed water should be used to preserve potable water for drinking purposes, contribute to the restoration and protection of instream flows, contribute to the restoration of Puget Sound, provide a drought resistant source of water for nonpotable needs, and be a water source to help mitigate the effects of population growth and global warming.

Task Forces:

A task force convened by the DOE will review the potential barriers or issues related to development of reclaimed water projects pursuant to the evaluation of water rights impairment. The task force is composed of a representative from the Water Quality and Water Resources program at the DOE, the Attorney General, the DOH, local governments, tribal governments, water utilities, reclaimed water utilities, wastewater utilities, environmental organizations, agricultural organizations, and businesses. The task force will report its findings to the appropriate legislative committees on or before December 1, 2007.

The DOE will convene a subtask force composed of members from the existing RAC by July 31, 2007 to recommend a long-term dedicated funding program to construct reclaimed water facilities. The subtask force will also consider and recommend provisions on the inclusion of reclaimed water use criteria or requirements as an element of the water use efficiency requirements and for water system, public water system, and regional water plans. The recommendations are due to the appropriate legislative committees by January 1, 2008.

The DOE will also convene a subtask force composed of members of the existing RAC to identify and recommend actions to increase the promotion of reclaimed water as a water supply and water resource management option. Results from the subtask force will be appended to the required interim reports by the RAC.

Reports:

The DOE and the DOH will provide the Legislature with periodic progress reports on the achievement of the expanded, appropriate, and safe use of reclaimed water.

The DOE will report every two years, beginning in December 2007, the extent to which reclaimed water has been identified in the watershed plans as potential sources or strategies to meet future water needs, and provisions in any watershed implementation plans that discuss barriers to implementation of the water reuse elements of those plans.

The DOH will provide a brief report by January 1, 2008 to the appropriate committees of the Legislature on issues regarding greywater, and reclaimed water.

The Department of General Administration will develop a proposal to provide a comprehensive legislative campus-wide plan for the use of nonpotable water in lieu of potable water for irrigation and related outdoor uses. The report is due to the appropriate legislative committees by December 1, 2007.

Expanded Use of Reclaimed Water:

The state will expand both direct financial support and financial incentives for capital investments in water reuse and reclaimed water in order to facilitate the immediate use of reclaimed water for uses approved by the DOE and the DOH.

When feasible, state agencies and state facilities will use reclaimed water for nonpotable water use in lieu of potable water.

Use of reclaimed water will be utilized by state and local planning programs, including incentives for state financial assistance programs and plans that encourage the use of conservation and reclaimed water use.

A city, town, or county may require conformance to water conservation ordinances, water conservation measures, and use of reclaimed water when determining whether a proposed short plat, short subdivision, or subdivision meets potable water supply requirements.

Permits:

The owner of a wastewater treatment facility has the exclusive right to use, distribute, and recover from aquifer storage reclaimed water without a permit. If reclaimed water is intended to augment

or replace potable water supplies, any regional water supply plan or plans addressing potable water supply service by multiple water purveyors will consider using reclaimed water.

Impairment:

Facilities that reclaim water can not impair any existing water right downstream unless there is compensation or mitigation for the impairment. However, reclaimed water that reduces the quantity of sewage treatment effluent discharged directly into marine waters is deemed to not impair any existing water rights.

Appropriation: None.

Fiscal Note: Requested on March 13, 2007.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.